



**MINUTES
of the
THREE-HUNDRED-FIFTY-FIFTH MEETING
of the
LEGISLATIVE COUNCIL
June 23, 2014
Santa Fe**

The three-hundred-fifty-fifth meeting of the Legislative Council was called to order on Monday, May 5, 2014, at 10:20 a.m. in Room 307 of the State Capitol by Senator Mary Kay Papen, co-chair.

Present

Rep. W. Ken Martinez, Co-Chair
Sen. Mary Kay Papen, Co-Chair
Rep. Donald E. Bratton
Sen. Carlos R. Cisneros
Rep. Anna M. Crook
Rep. Nate Gentry
Sen. Stuart Ingle
Sen. Timothy M. Keller
Rep. Antonio "Moe" Maestas
Rep. Rick Miera
Sen. Clemente Sanchez
Sen. William E. Sharer
Rep. Thomas C. Taylor

Special Advisory Members

Rep. Thomas A. Anderson
Rep. Stephanie Garcia Richard
Rep. Roberto "Bobby" J. Gonzales
Sen. Cliff R. Pirtle
Rep. Debbie A. Rodella
Sen. Benny Shendo, Jr.
Sen. John Arthur Smith

Staff

Raúl E. Burciaga, Director, Legislative Council Service (LCS)
John Yaeger, Assistant Director for Legislative Affairs, LCS
Amy Chavez-Romero, Assistant Director for Drafting, LCS

Absent

Sen. William H. Payne
Sen. Michael S. Sanchez
Rep. Sheryl Williams Stapleton

Special Advisory Members

Rep. Eliseo Lee Alcon
Sen. Pete Campos
Rep. Mary Helen Garcia
Rep. Jason C. Harper
Sen. Daniel A. Ivey-Soto
Rep. James Roger Madalena
Sen. Cisco McSorley
Sen. Mark Moores
Sen. George K. Munoz
Rep. Don L. Tripp
Rep. Carl Trujillo

Kathy Pacheco-Dofflemeyer, Assistant Director for Administration, LCS
Jeret Fleetwood, Locator Coordinator, LCS

Approval of Minutes

On a motion made, seconded and unanimously passed, the minutes of the three-hundred-fifty-fourth meeting of the council, from May 5, 2014, were approved as submitted.

Interim Committee Work Plans and Budgets

Interim committee work plans were presented by the appropriate LCS staff members. A copy of each work plan and budget is in the original meeting file.

The work plan and meeting dates, including an October meeting outside of the State Capitol, for the Water and Natural Resources Committee, were approved as submitted. A budget of \$51,132.48 for voting members and \$80,533.36 for advisory members was also approved.

The work plan and meeting dates for the Military and Veterans' Affairs Committee, including an October meeting outside of the State Capitol, were approved as submitted. A budget of \$22,721 for voting members and \$30,581 for advisory members was also approved.

The work plan and meeting dates for the Radioactive and Hazardous Materials Committee were approved as submitted. A budget of \$20,513 for voting members and \$20,288 for advisory members was also approved. The council also suggested that staff look into the possibility of holding joint meetings of the Radioactive and Hazardous Materials Committee and the Water and Natural Resources Committee and/or the Military and Veterans' Affairs Committee on the issue of cleanup of the jet fuel spill at Kirtland Air Force Base.

The work plan and meeting dates, including an October meeting outside of the State Capitol, for the Science, Technology and Telecommunications Committee were approved as submitted. A budget of \$31,580 for voting members and \$35,811 for advisory members was also approved.

In response to a question from Representative Crook, Mr. Burciaga explained that council policy prohibits interim committees from meeting outside of the State Capitol after September 30 without council approval. This serves as a reminder that many state government agencies are especially busy in October, November and December.

The work plan and meeting dates for the Investments and Pensions Oversight Committee were approved as submitted. The council discussed an item on the committee's work plan regarding litigation of "pay-to-play" and investment fraud allegations. Staff was directed to schedule those items for the committee's November 17 meeting to avoid the appearance of holding politically motivated hearings. A budget of \$19,503 for voting members and \$24,202 for advisory members was also approved.

The work plan and meeting dates, including an October meeting outside of Santa Fe, for the Legislative Health and Human Services Committee were approved as submitted. The work plans and meeting dates, including October meetings outside of Santa Fe, for the Behavioral Health Subcommittee and the Disabilities Concerns Subcommittee were also approved as submitted.

In response to questions from the council regarding funding for expert testimony, staff explained that including the funding in the committee's proposed budget provides leeway should the committee need to bring national experts in to testify.

Budgets of \$36,230.80 for voting members and \$77,036.08 for advisory members of the Legislative Health and Human Services Committee, \$7,121.48 for voting members and \$4,301.12 for advisory members of the Disabilities Concerns Subcommittee, \$20,205.84 for the Behavioral Health Subcommittee and \$8,000 for expert testimony were also approved.

The work plan and meeting dates for the Tobacco Settlement Revenue Oversight Committee were approved as submitted. A budget of \$7,748.56 for voting members and \$8,196.56 for advisory members was also approved.

The meeting dates for the Public School Capital Outlay Oversight Task Force were approved as submitted. The task force's work plan was amended to include an item regarding testimony from the litigants in the *Zuni* lawsuit and an item regarding school districts that have demolished school buildings and constructed new ones using Public School Capital Outlay Fund dollars. A budget of \$28,255 for voting members and \$18,229 for advisory members was also approved.

The meeting dates, including October and November meetings outside of the State Capitol, for the Mortgage Finance Authority Act Oversight Committee were approved as submitted. The work plan was amended to include an item regarding affordable housing and the possibility of developing a type of mortgage more compatible with economic boom-and-bust cycles. A budget of \$11,712 for voting members and \$13,422 for advisory members was also approved.

On a motion made, seconded and passed, members of the committee were also authorized to attend the New Mexico Housing Summit on August 20.

The meeting dates, including an October meeting outside of the State Capitol, for the Indian Affairs Committee were approved as submitted. The council discussed negotiation and legislative approval of tribal gaming compacts as they relate to the committee's work plan. The work plan was amended to include an item regarding railroad crossings for emergency vehicles on pueblo and tribal lands. The work plan was also amended to ensure that gaming compacts are discussed at the committee's November meeting.

On a motion made, seconded and passed, all members of the legislature were authorized to receive per diem and mileage to attend the committee's November meeting on the gaming compacts.

A budget of \$54,097.04 for voting members and \$43,153.36 for advisory members for the Indian Affairs Committee was also approved.

An item on the work plan for the Courts, Corrections and Justice Committee (CCJ) regarding examination of the abuse and neglect system was amended to include potential legislative responses, whether additional or targeted funding is needed for the Children, Youth and Families Department and how department retention rates might be improved.

The committee's meeting dates, including an October meeting outside of the State Capitol, were approved as submitted. The work plan and meeting dates for the Criminal Justice Reform Subcommittee (CJRS) were also approved as submitted.

A budget of \$44,488.68 for CCJ voting members and \$44,788.52 for CCJ advisory members was also approved. A budget of \$11,232.28 for CJRS voting members and \$3,190 for CJRS advisory members was also approved.

The work plan and meeting dates for the Land Grant Committee were approved as submitted. A budget of \$29,051.76 for voting members and \$17,741.36 for advisory members was also approved.

The work plan and meeting dates for the Revenue Stabilization and Tax Policy Committee were approved as submitted. The council had a discussion about the amount included in the committee's budget request for experts and consultants. Staff explained that the original budget request was \$200,000 for tax experts, but further exploration revealed that most of the money would actually go toward paying other state agencies to retrieve data, so the request was reduced to \$50,000 to act as a placeholder. Members of the council discussed the importance of having experts examine New Mexico's tax structure to better understand how changes to that structure will affect state revenues, and they suggested increasing the amount for experts to \$150,000.

On a motion made, seconded and passed, the council increased the amount for experts and consultants in the committee's budget to \$150,000. A budget of \$67,462 for voting members was also approved.

The work plan and meeting dates, including an October meeting outside of the State Capitol, for the Transportation Infrastructure Revenue Subcommittee were approved as submitted. A budget of \$21,120.48 for voting members, \$20,129.92 for advisory members and \$6,000 for expert testimony was also approved.

The work plan and meeting dates, including an October meeting outside of the State Capitol, for the New Mexico Finance Authority Oversight Committee were approved as submitted. A budget of \$61,187 for voting members and \$74,522 for advisory members was also approved.

The work plan and meeting dates for the Jobs Council were approved as submitted. A budget of \$27,772 for voting members, \$4,751 for advisory members and \$135,000 for consultant expenses and a statewide employment data repository was also approved.

The work plan and meeting dates, including an October meeting outside of the State Capitol, for the Economic and Rural Development Committee were approved as submitted. A budget of \$41,504 for voting members and \$49,892 for advisory members was also approved.

A budget of \$6,082 was approved for the Interim Legislative Ethics Committee in the event that the committee would need to convene.

A budget of \$6,516 for voting members and \$6,290 for advisory members for the Legislative Committee on Compacts was approved in the event that the committee would need to meet.

Work Plan Reviews

The council reviewed the work plans of the Legislative Education Study Committee (LESC) and the Legislative Finance Committee (LFC).

Frances Maestas, director of the LESC, provided the council with an overview of the committee's work for the 2014 interim. She began by noting that the LESC formed a subcommittee to look at charter schools and associated public school capital outlay issues. Ms. Maestas went on to detail each planned LESC meeting and the topics that would be covered at each meeting.

David Abbey, director of the LFC, provided the council with an overview of the committee's work for the 2014 interim. He discussed the primary issues, planned strategy for addressing the issues, outcomes and finish dates for LFC staff in a number of areas, including:

- education;
- health and human services;
- work force development;
- public safety;
- transportation;
- natural resources;
- capital outlay;
- general government (including corrections and judiciary); and
- revenue.

In response to a question from Senator Keller, Mr. Abbey explained that the SHARE program would reconcile cash on a monthly basis moving forward but that past reconciliations are still problematic.

Speaker Martinez thanked both directors for their presentations and collaborating on the budget development process.

Requests for Use of Chambers

On a motion made, seconded and passed, the council approved the use of the chambers for Emerge New Mexico on Saturday, September 13, 2014.

Facility Upgrades

On a motion made, seconded and passed, the council authorized staff to proceed with installing a women's restroom adjacent to the house lounge on the first floor.

Staff Reports

Mr. Burciaga noted that work was continuing on several projects in the capitol building, including:

- work on the ceiling of the senate chambers;
- new voting boards and systems in both the house and senate chambers;
- new carpet in both chambers and their respective galleries; and
- overhaul of the elevators in the building.

Mr. Burciaga also pointed out that the next council meeting is scheduled for September 8.

In response to a question from Senator Keller, Mr. Burciaga explained that the council decided at its May 5, 2014 meeting to have interim committees try to incorporate the requests made by memorials passed during the 2014 session into their work plans and to hold joint meetings when possible to avoid overlap.

There being no further business, the council adjourned at 1:50 p.m.